

CLARKE COUNTY BOARD OF SUPERVISORS	
December 16, 2003	Public Meeting
Board of Supervisors' Meeting Room	7:30 p.m.

At a meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, Second Floor of the Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, December 16, 2003.

Present

Chairman John Staelin, Vice Chairman Hobert, Supervisor Byrd, and Supervisor Weiss

Also Present

Harry K. Benham, Joe Hickey, Dr. and Mrs. John Hart, Mr. And Mrs. George Greenhalgh, III, Anna Lee Horton, Beverly McKay, Jerry Herrmann, Val Van Meter and other citizens.

Absent

Supervisor Dunning

Call To Order

Chairman Staelin called the meeting to order at 7:34 p.m. in the Board of Supervisors' Meeting Room of the Circuit Courthouse.

Shenandoah Valley Wells Fargo Hot Air Balloon and Wine Festival

Chairman Staelin explained that at the time of this meeting no application was before the Board for review for the 2004 event. He stated that at the time the Board approved the Special Entertainment Permit for the 2003 event it had been stipulated that the Board would hold a public meeting long before the 2004 event if there were problems at the 2003 event. He further explained that the reason for the public meeting was to discuss any issues prior to any event preparations by Long Branch for a 2004 event. Prior to opening the citizen comment portion of the public meeting, Mr. Staelin requested comment from Long Branch.

**Harry K. Benham, III**, Chairman Historic Long Branch Board of Directors: Mr. Benham provided an overview of the history of the event. He explained that this was their eighth year and the event attracts a large, family crowd. He told the Board that the event not only helps Long Branch but the community as well by increasing tourism and providing fundraising opportunities to local organizations.

Mr. Benham stated that the balloons go up five times over a three-day period. Prior to each launch, there is a briefing meeting with the pilots. Each pilot uses a radio, which is tuned to the same frequency for pilot-to-pilot and pilot-to-ground communication. Maps of no-land properties were distributed. Further, to participate in the event, pilots must also provide proof of insurance and are required to carry \$1MM with \$100,000 to cover damages. He noted that many property owners in the area have asked if balloons could land on their property.

Mr. Benham stated that in response to Dr. Hart's concern regarding balloons landing on his property they arranged to place an observer onsite during each launch event. Don Cady, the designated observer, was equipped with a radio; however, he observed no balloon from the Festival land on the Hart property. He stated that every major precaution was taken to prevent balloons from landing on any property where the landowner had requested they not land. To further ensure the no-land properties were identified, marking balloons were placed on properties where the landowners granted permission.

Mr. Benham stated that he could not comment on how high each balloon was actually flown. However, Long Branch has set a minimum limit of 500 feet, which is not required by FAA regulation over agricultural land.

At 7:44 p.m., Chairman Staelin opened the public meeting for citizen comment.

**Tim Farmer**, Public Relations Coordinator, Blandy Experimental Farm The State Arboretum of Virginia: Mr. Farmer read for the record a letter written by Dr. Michael A. Bowers, Director Blandy Experimental Farm, and Jim Wyatt, President Foundation of the State Arboretum. In this missive, they expressed their full support for the Hot Air Balloon Festival siting Long Branch as one of the County's most prominent and significant "crown jewels", along with Blandy and Burwell-Morgan Mill. They noted the tourism that the festival generates helps reduce the tax burden on County residents. The letter stated that as a community partner and a past participant in the festivals they were proud to play a part in the County's past, present, and future.

Mr. Farmer relayed a personal experience with a balloon landing on private property where the property owner was not cooperative with the pilots. He noted that had "calmer heads prevailed" the owner and the balloonist could have come to a solution that would not have resulted in a disturbance of the cattle.

**George Greenhalgh, III**, Owner Shan Hill Farm: Mr. Greenhalgh said that he unfortunately found himself on a "different side of the fence." He stated that the balloons go where the wind blows and Long Branch has no control over them. He stated that during the 2003 festival a balloon flew over his property below the 500-foot limit. He stated that he has complained for years about the balloons flying over his property; and thus far, Long Branch has been unable to comply with his requests. He stated the balloons were infringing on his property rights by flying over their land below 500 feet.

Vice Chairman Hobert inquired whether they had sustained any damage as a result of the balloons flying over their property. Mr. Greenhalgh stated that it had disturbed his horses and he had to return home cutting short a weekend away. There were no injuries to the horses. He explained that in past years balloons have landed in the paddocks behind the barn and this after being told not to land on his property. He further stated that no designated observer was placed on site nor was this offered to him.

Supervisor Weiss stated that he knew that the affects were felt on animals; but, in time the animals settle in. Mr. Greenhalgh explained that he has rotating stock so they do not have the opportunity to become habituated to the balloons.

**Robin Greenhalgh**, Owner Shan Hill Farm: Mrs. Greenhalgh stated that she had personally observed a balloon flying well under 200 feet above their property during the 2003 event. She stated that no veterinarian was needed for the horses. She noted that Shan Hill property was not properly marked on the map displayed in the Board Room.

**John Hart**, Owner Hart Farm, Inc.: Dr. Hart stated that the pilots have no control over the balloons. He stated that he does not want the balloons to bother him or his animals and he simply wants to make a living. He opined that the balloons frighten his thoroughbred horses and could cause damage to his income. He expressed a desire to co-exist with Long Branch and Blandy. He emphasized that the balloons flying over his property was a violation of his property rights.

Dr. Hart thanked Long Branch for having an observer to watch his property during the 2003 event. He stated that he was away but had been told by a neighbor that a balloon landed on his property.

**Beverly McKay**, Millwood and neighbor of Long Branch: Mr. McKay opined that Long Branch was an asset to the County and has brought in tourism that has helped the entire County; therefore a solution needs to be worked out. He stated his property borders Long Branch

and that balloons have landed on his property, including his corn fields. He expressed his desire to "get along with his neighbors" and his believe that the problems can be resolved by working together. He opined that Long Branch has tried to make the event work better each year.

**Susan Hart**, Owner Hart Farm, Inc.: Mrs. Hart said that she did not think anyone was against the festival. She stated that their concerns were about property rights and possible harm to their horses, which are their source of income. She stated that marking the property with balloons would not be enough with 400 acres.

**Tom Wiseman**, Millwood and neighbor of the Hart's.: Mr. Wiseman stated that he believes the matter can be resolved by working together as neighbors. He explained that he has flown with the balloon pilots and suggested identifying the property by marking with weather balloons.

**Martha Cook**, Millwood and neighbor of the Hart's: Mrs. Cook stated that she owned horses, one of which won the Carolina Cup. She noted that her horses were not bothered by the balloons. She further stated that no balloon from Long Branch had landed on the Hart's property during the 2003 event. She put forth that there was a renegade balloonist, with whom there have been problems in the past; and Long Branch is not responsible for balloons that are not part of their event.

**Joe Hickey**, Event Coordinator and employee of Historic Long Branch: Mr. Hickey explained that FAA regulations are ambiguous when flying over agricultural lands and they impose no limit. He said that Long Branch has imposed the 500-foot limit but noted that there was no limit at take off or when landing. He stated that he could appreciate the Hart's and the Greenhalgh's position and that Long Branch is seeking solutions for they want to work with their neighbors.

He noted the Blue Ridge Hunt also crosses the property of others and have been known to frighten horses and cattle, as well as leave gates open; however, the landowners work together. He stated that Long Branch does not wish to see the hunt stopped and they work through any problems. He reiterated that the event does require a minimum of liability insurance coverage of \$1MM.

**Randy Sprouse**, White Post Boy Scout Troup 11: Mr. Sprouse informed the Board that the Boy Scouts were participants of the Festival and that it was a major fundraising event for them. He opined that the Festival was a positive thing for the community and could be improved upon. He suggested using GPS mapping.

Joe Hickey stated that Long Branch was currently looking at GPS mapping noting that some of the pilots already had GPS available.

**Ray Welch**, President Shawnee Ruritan: Mr. Welch stated that they were participants at the Festival; and for them, this was a key fundraiser. They also sponsor a Boy Scout troop. He said that they have been involved with the event for the past four years. He informed the Board that the Ruritan raised \$10,000 for charity at the last year's event.

**Charles Schutte**, Rotary Club of Clarke County: He stated that this is also a major fundraising event for the Rotary Club, which has generated thousands of dollars that have gone back into the community. Over the past three years, Schutte said the Rotary club has raised \$6,000, which has all gone back into the community to sponsor scholarships, fund Christmas baskets for the needy and other projects.

**Robin Greenhalgh**, Owner Shan Hill Farm: Mrs. Greenhalgh put forth that they were not opposed to the Festival and were glad that it benefited so many. She suggested that her objections would be satisfied if the balloons would stay above 500 feet. She did state that if the pilots flying over their property at 200 feet or lower were equipped with GPS and it was claiming they were not below 500 feet; then the equipment must be giving a false reading.

**Susan Hart**, Owner Hart Farm, Inc.: Mrs. Hart put forth that she was not opposed to Long Branch but they do need to make a living. She stated that the Hunt comes through their property and they have had no problems. She noted accommodations they have made for the Hunt, as well as the efforts the Hunt has made to accommodate landowners.

**Prudence Anderson**, Boyce – Blue Ridge Hunt: Ms. Anderson expressed sympathy for the Hart's and the Greenhalgh's stating that they had too many horses to put them all in stalls during the three-day event. She expressed her desire for a resolution to the problem that would be beneficial to all parties.

**Anna Lee Horton**, Lockesly, Millwood: Mrs. Horton stated that she has events at her home that do not harm others. She opined that the Hart's have improved the County and that the Festival was causing problems. She said that Long Branch was having others pay their way. She further stated that Long Branch wants all the property owners to agree to have balloons land on their property so they can get more money to pay Joe Hickey. She stated that she and the Hart's had paid for their property and Joe Hickey did not; therefore, they had more at stake.

**Tom Wiseman**, Millwood and neighbor of the Hart's: Mr. Wiseman spoke in defense of Mr. Hickey requesting that he not be personally attacked for he was an employee of Long Branch.

**Kathy Nerangis**, Business Owner, Boyce: Mrs. Nerangis stated that she has been involved as a sponsor and is very proud of what has been accomplished by Long Branch. She noted that the pilots are very accomplished. She informed the Board that she was present at one of the briefings; and in her opinion, the pilots took their instructions very seriously. She stated that Long Branch is very concerned and wants to do what is right. She said that she has chaired events and must applaud the efforts that Long Branch has made. She further noted that her restaurant saw a 25% increase in revenue over the weekend of the Festival.

**Sandra Sowada**, Berryville: Mrs. Sowada stated that she would like to hear from balloonists. She said that these pilots have thousands of hours in flying time and have to be licensed. Further, they have thousands of dollars in equipment. She opined that they are not the type of people who take these things lightly nor were they likely to do harm on purpose. She further noted that it is the pilot's life in the basket and they do not wish to take risks.

**John Hart**, Owner Hart Farm, Inc.: Dr. Hart stated that he currently has a warrant against a pilot that terrorized a foal on his property. He suggested that the balloons be kept over Long Branch by tethering the balloons.

**Michael Flagg**, Millwood: Mr. Flag stated that he was also a neighbor of Long Branch. He stated that his cows were very curious about the balloons and they were his sole source of income. He stated that he does not have stalls for his cows so he cannot secure them during the Festival. He postulated that his livestock was also endangered by their close proximity to Route 50, but there are risks that must be taken daily. He said that Long Branch was a good neighbor; and while the Festival might be an inconvenience, it is only 3 days out of 365 in a year. He opined that the State Police and VDOT have improved each year with directing traffic. He noted that Long Branch has offered to put up red balloons to mark property lines but that some landowners do not want these balloons on their property.

**Robin Greenhalgh**, Owner Shan Hill Farm: Mrs. Greenhalgh put forth that she would appreciate the Board setting an elevation limit that would allow Long Branch to continue the event and that would also protect their horses.

**Jim Daddio**, Berryville, Boy Scout Troop Leader: Mr. Daddy stated that he also supports the Festival. He opined that horses can become accustom to the balloons, as well as the hunt.

At 8:38 p.m., Chairman Staelin closed the citizen comment portion of the public meeting.

Mr. Staelin extended his thanks to all those persons who attended the public meeting and for providing their comments.

Supervisor Weiss inquired whether the number of balloons participating in the Festival could be reduced. Mr. Hickey stated that this had been done; and the 2003 event had fewer balloons than the previous year and they have shorted the flight time. He indicated that a committee was looking at the impact on the event of further reductions. Mr. Hickey stated they have also provided maps to all the pilots with the no-landing areas marked.

Supervisor Byrd repeated the old adage "good fences make good neighbors." She put forth that she hoped all residents of the County would learn to work together for the mutual benefit of all. She suggested that a committee be formed with representatives from both parties to work on issue resolution. Further, more balloons were needed to mark property lines. Also, post persons at each property marked "do not land" and equip them with radios so they can communicate with the pilots if they are too low.

Vice Chairman Hobert expressed his appreciation to all those who had come to the public meeting. He told the Hart's, Greehalgh's and Ms. Horton that he appreciated that it was not easy for them to come and defend their position. He said that he thought that there had been a tremendous effort to make the event better each year. He opined that Long Branch was open and receptive to suggestions.

Chairman Staelin opined that Long Branch was an asset to the community and to the non-profit organizations. He further stated that property rights must be taken seriously. He noted that Long Branch has made promises and has actively taken measures to solve problems. Long Branch has also taken correction action in weeding out pilots that do not conform to the rules and regulations set forth by the Festival.

Mr. Staelin requested that Long Branch meet with the Board in February 2004 to discuss corrective actions that will be taken to insure property rights are not violated. He asked that they review insurances issue to ensure adequacy and the use of GPS by all pilots. Mr. Weiss asked that they also be prepared to discuss reducing in the number of balloons participating, as well as the possible exclusion or limitation of odd shaped balloons.

**Adjournment:**

There being no further business to be brought before the Board the Chairman adjourned the meeting at 8:50 p.m.

ATTEST: December 16, 2003

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John Staelin, Chairman

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David L. Ash, County Administrator